NEGOTIATING TRUTH:
THE HOLOCAUST, LEHAVDIL,
AND AL-NAKBA

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As Americans are accustomed to remembering the “quagmire” of Vietnam, so Israelis have referred, since the debacle of the 1982 Lebanon War and its eighteen-year aftermath, to the “Lebanese mud.” Many critics of Israel’s recent adventure in Lebanon have bemoaned Israel’s return to ha-botz ha-Levanoni, where no matter how heroic or massive are the Jewish state’s exertions, and no matter how justified they may appear to Israelis desperate to feel safe in a hostile neighborhood, the result is the same—Israel sinks deeper into a morass of destruction and bloodshed, planting thereby the seeds for greater threats against it in the future.

Over two generations, the question of Palestine had become, via Palestine Liberation Organization (PLO) achievements and failures, wars and armistices, treaties and peace processes, intifadas and limited withdrawals, a matter of dividing historical Palestine so that Palestinians could establish a sustainable national existence. By gaining Israeli evacuation of the West Bank and Gaza Strip, captured by Israel in the 1967 war, it was widely believed, or at least hoped, that the Middle East was being made safe for a general Arab, if not Muslim, willingness to accept Israel as a demographically Jewish state in the region.

It is commonplace for peacemakers in the Middle East to wonder if the extent of Israeli settlement activity in the Palestinian territories, the separation barrier erected along and through the West Bank, the dynamics of internal Israeli politics, and/or the ineffectiveness of Palestinian leadership, has rendered a workable “two-state solution” impossible. But now, in the aftermath of the Israel-Hizbullah war in Lebanon, new and old questions are being raised, not about whether a two-state solution could still, practically and politically, be considered a realistic objective, but whether Israel, as a Jewish country, can be stomached by the vast Arab and Muslim majorities of the Middle East. Have the fury, hatred and resentment against Israel’s use of its military power to pulverize parts of Lebanon while maintaining a punishing siege on the Palestinians of Gaza and the West Bank reached such profound
levels that for Middle Eastern Muslims no future for Israel can be politically or psychologically plausible to both Arabs and Muslims other than the fate of the Crusaders? In other words, has the entire template understanding Arab-Israeli relations since 1967 been rendered irrelevant?

This paper is not an attempt to answer this question. It is, however, based on the premise that if Israel is to find a way to integrate peacefully and permanently into the region it will have to find ways to address directly the wrenching, profound and pervasive sense in the region that its actions, and even its very creation and existence, constitute an unbearable injustice. This will mean, at the very least, that Israel will have to move beyond the demand that Arabs swallow their true beliefs and accept Israel's existence as fact simply because of its strength and ability to hurt others if they do not. More than that, Israel's permanent and stable incorporation into the Middle East will require Israel and Israelis to face their history frankly and be willing, in some fashion, to publicly acknowledge the validity, if not the determinateness, of certain Arab, and especially Palestinian, claims. In this effort, it will be impossible to avoid the single most painful wound in the Palestinian and Arab body politic inflicted by the creation of the state of Israel vis-à-vis the transformation of 750,000 Palestinians and millions of their descendants into refugees barred by Israel since 1948 from returning to their homes or gaining compensation for the loss of their property.

Some may think that Israel will never deal straightforwardly with an issue so painful and so likely to raise fundamental questions about the country's founding. But careful consideration of preparations made by the Ehud Barak government for the negotiations at Camp David in the summer of 2000 suggest otherwise, especially when considered in comparison to the ability of truth to emerge in the context of the Israeli-German relationship after the Second World War. Indeed the ability of Israelis and Germans to deal effectively with a history marked by much greater horrors than those perpetrated and remembered by Israelis and Palestinians can shed new and hopeful light on the prospects, or at least the possibility, of a permanent Israeli presence in the Middle East.

THE REFUGEE ISSUE, CAMP DAVID AND TABA

In the debates and recriminations that followed the collapse of the Israeli-Palestinian negotiations in Camp David in the summer of 2000, and the inconclusive follow-up discussions at Taba, attention has been directed primarily to issues concerning leadership, settlements, withdrawals, the disposition of Jerusalem and Palestinian demands for the return of refugees. Mostly ignored, however, was one particular demand made by the Palestinian side regarding the refugees. Although most commentators focused on the demand for return itself and the complex set of options that might be used to parse, distribute and effectively limit that right, it is
worth exploring the implications of the separate demand that Israel formally acknowledge its moral responsibility for the creation of the Palestinian refugee problem in 1948.

The evidence suggests that the Barak government was prepared to issue a statement announcing Israel's regret for the suffering entailed and perhaps acknowledge a share of responsibility for the tragedy. On the other hand, Israel would not agree to accept "moral or legal responsibility for the creation of the refugee problem." According to David Schenker, in an article published during the Camp David summit itself, Israel rejected Palestinian demands for a "formal Israeli apology and admission of responsibility for the refugee crisis" out of a belief that to do so "would leave the Jewish state exposed to future financial and emigration claims."3

What is interesting about this rationale is that the Palestinian claims were not rejected because they were deemed to be false. Nor were they rejected because it was considered that to accept them, acknowledge responsibility and offer an apology would not have contributed toward peace and reconciliation. On the contrary, official Israeli arguments, which state that too many economic and legal liabilities would arise from offering such public and official statements, appear to support an implicit acceptance of the justice and appropriateness, if not the practicality, of the Palestinian demand. In this light, it is unsurprising that in the follow-up negotiations at Taba in the fall of 2000, attention was focused directly on the practical means for addressing the refugee problem, including the kind of language that would be included in an Israeli declaration regarding the events of 1948.4

This essay seeks to highlight the political significance of these discussions by considering the negotiations between Israel, the World Jewish Congress and the Federal Republic of Germany in 1951 prior to the beginning of German reparations payments and prior to the onset of diplomatic relations between Israel and West Germany. After saying lehavdil, we may yet see in the agony of Jews, wrestling with the challenge of settling for infinitely less than the justice and retribution for which they yearned, an instructive "limiting case" for analyzing the distress of the Palestinians, a people called upon to abandon their struggle for justice, who seek public acknowledgment by Israel of the evil inflicted on them as an element in a comprehensive peace package.5 We may also learn from the artful avoidances and measured doses of truth contained in Konrad Adenauer's speech before the Bundestag in September 1951. From that carefully orchestrated speech, we can learn something about how necessary, but in all likelihood how limited and symbolic, the Israeli proclamation will be enabling a practical solution to the Palestinian refugee problem and the end of the Arab-Israeli conflict. Such an analysis and such
comparisons are similar to those used by Israel's first Foreign Minister, Moshe Sharett. In 1952, he suggested "transferring some of the money [from German reparations] to the Palestinian refugees, in order to rectify what has been called the small injustice (the Palestinian tragedy), caused by the more terrible one (the Holocaust)."6

GERMANS, JEWS AND THE HOLOCAUST: FINDING JUST ENOUGH TRUTH

As early as 1945, Chaim Weizmann and others had considered the possibility of obtaining substantial financial support for building the Jewish state and for its economic consolidation by demanding compensation for the property of murdered European Jews. Just one month after the end of the Second World War Weizmann sent the four powers occupying Germany a demand for title to what he estimated to be $8 billion worth of property whose owners had died in the Holocaust.7 The allies did respond to this overture, though only in the amount of $25 million, to be allocated to many Jewish relief organizations. Of more significance than the amount of the demand and Weizmann's failure was that it was not directed toward the Germans but toward the allied powers occupying Germany. Thus, there was no question of receiving property directly from the German state, nation or collectivity and no issue, at that point, of whether acceptance of economic support from Germany was morally acceptable.

In the late 1940s and early 1950s, the attitudes of many Israelis were hysterically anti-German. The dominant view in Israel was categorical rejection of any contact with Germany or Germans and a strong tendency to view the Germany of Chancellor Adenauer, who himself had been anti-Nazi, as no more acceptable a point of contact for Jews than the Nazi regime.8 As Tom Segev reports, "[t]he foreign ministry stamped on every Israeli passport in English, a notification that the document was not valid in Germany. The Government Press Office announced that Israelis who settled in Germany permanently would not be allowed to return."9 As future prime minister, then head of the opposition, Menachem Begin asserted during the 1951 to 1952 Knesset debate on reparations, more than six years after the end of the Third Reich: "From a Jewish point of view, there is not a single German who is not a Nazi, nor is there a single German who is not a murderer."10 Even future Prime Minister Golda Myerson (Meir), who opposed Begin by supporting reparations negotiations with Germany, told the Knesset at that time that "As far as I am concerned, there is one rule regarding the German people. Every German, whether in the East or the West, is guilty in my eyes."11

But despite overwhelming Jewish disgust with and hatred toward Germany and Germans, the Israeli and German governments reached an agreement based on direct negotiations on how a small measure of justice for survivors of the Holocaust and for the Jewish people as a whole might be achieved through reparations
payments that would, _inter alia_, be explicitly devoted to the absorption of new Jewish immigrants in Israel.

A crucial element in moving Israeli leaders toward direct negotiations with Germany was the severity of Israel’s economic circumstances. Felix Shinnar was co-head of the Israeli delegation to the 1952 Wassenaar Conference, where Israel and Germany hammered out the details of what became the Luxembourg agreement on reparations. According to Shinnar, the main stimulus for Israel’s willingness to become involved in such negotiations was “definitely economic.”

David Horowitz, another lead negotiator who at the time served as the director-general of the Israeli Ministry of Finance, later portrayed Israel in the early 1950s as in “desperate economic straits. We looked into the face of possible collapse. Foreign exchange reserves were practically exhausted. Every ship was important, for the reserve of bread in the country [1950-1951] was sufficient for one week only.” Indeed, by some basic measures, it would appear that although Germany was devastated by the effects of the war, in the early 1950s, economic conditions were worse in Israel than in Germany. In the 1950 to 1951 period, the average German diet included 340 percent more meat and poultry than the average diet of Israelis, 187 percent more milk, 176 percent more fats and 162 percent more sugar.

Closed discussions within the Israeli Foreign Ministry in late 1949 and 1950 focused on the importance of using Germany’s need for Israeli goodwill, while that need still existed, to gain access to substantial economic resources. The primary task was to find a diplomatic and public relations formula that would alleviate the moral distress of establishing relations with Germany and accepting German money. No Israeli leader argued that accepting reparations would close the moral account of the Jewish people with Germany. What was argued was the practical importance of getting sizeable German payments while they were available. Segev describes the attitude of Moshe Shapira, Minister of the Interior, Health and Immigration, as representative: “everything depended on how much money was at stake [for] it would be pointless to soil oneself with the taint of German contact for a pittance, but if the sum was substantial, it might well be worthwhile.”

Other arguments, including revenge and the achievement of a vicarious sort of victory over Germany, were also important. Defending the government’s efforts to gain German reparations through direct contacts with Bonn, David Ben-Gurion, Golda Meir and Pinchas Lavon emphasized the aspect of revenge and equity involved in forcing Germans to work for the rehabilitation of Jews and described the increased vitality of Israel that would result from the reparations as enhancing the
"victory" of the Jewish people, who survived, over Hitler, who did not. An element of particular importance in this debate was the emphasis of leading advocates of reparations that Israel approach the German government with "the consciousness that the German people in its entirety is responsible for the killing and plunder inflicted by the former regime on the House of Israel." In other words, contact with the hated enemy was not justified by the claim that a change of regime had replaced the Nazi regime with a fundamentally different political or moral entity. Rather, despite the disappearance of the Nazi regime, Jews would treat their interlocutors as the moral continuation of the political community that had murdered the 6 million. In his major speech to the Knesset during the debate on reparations, Ben-Gurion declared, "the German people, all of whom are responsible for the destruction wrought by their government under Hitler, continue to benefit...Let not the murderers of our people be their inheritors as well!"

However, to seal this connection between reparations and German collective responsibility, Israeli and non-Israeli Jewish leaders were not satisfied with their own public statements. They required some kind of public declaration of contrition that would express the German nation's acknowledgement of responsibility and sorrow for the suffering of the Jews at German hands as well as its condemnation of Nazi policies, but that would not require any explicit words of "forgiveness" on the Jewish side.

In March 1951, Ben-Gurion's government delivered a note to the four occupying powers, demanding $1.5 billion as a German indemnity and making clear "that no amount of material compensation would ever expiate the Nazi crimes against the Jews." All that resulted was a suggestion that Israel approach Germany directly. In fact, some exploratory contacts between Israeli and German representatives had already occurred. In this pre-negotiation period Israeli emissaries emphasized the critical importance, indeed the necessity, for a solemn and official German statement of collective responsibility for the Holocaust if practical negotiations toward an actual reparations agreement were to begin.

The first Jewish representative to engage in these discussions was Noah Barou, Chairman of the European Executive of the World Jewish Congress. When he met Adenauer's close confidant, Herbert Blankenhorn, early in 1950, Barou said that he placed two preconditions on the initiation of such negotiations. As his interviewer reports:

Barou emphasized two preconditions on Jewish contact with the Bonn regime: A solemn public declaration by the Chancellor acknowledging Germany's national responsibility for the horrible deeds committed against the Jews of Europe during the Second World War; and an expressed willingness to compensate Jewry for material losses.
In March 1951, the two men met once again in London. Barou made Israel’s position even clearer. “Before the start of any official negotiations between Federal Germany and the Jewish people, the chancellor must declare in the Bundestag that the Federal Republic accepted responsibility for what had been done to the Jewish people by the Nazis.” Similarly, when Horowitz met Adenauer in Paris in May 1951, he told the German Chancellor that at Sharett’s behest, he was delivering a demand that Germany issue “a guilt declaration” before financial negotiations could begin.

Although Adenauer claimed to have already condemned Nazi crimes on many occasions, he accepted the Israeli demand for a solemn expression of Germany’s moral perspective on the Holocaust. Negotiations then proceeded between the Adenauer government, on the one hand, and the Government of Israel and the World Jewish Congress, on the other, over the wording of the declaration that Adenauer would make on behalf of the German people—negotiations which lasted from July through September 1951. On 27 September 1951, Adenauer made the solemn speech before the Bundestag, as demanded by the Israelis and their non-Israeli Jewish associates.

During the summer of 1951 Israeli negotiators had pushed Adenauer to include references in his speech to the guilt of the German people, the existence of groups in Germany still actively anti-Semitic, the role of the German army in the Holocaust and the innocence of the people killed by the Nazis. They also wanted an explicit reference to Israel. Adenauer did accept many adjustments in his original draft but refused to describe the German nation as guilty of the extermination of the Jews. He refused to mention Israel by name, refused to include an explicit reference to the innocence of the victims, refused to acknowledge the role of the German army and refused to describe the entire German nation as guilty of the crimes committed by the Nazis.

Most of Adenauer’s speech dealt with legal and educational principles honored in the Federal Republic, which had the purpose of combating anti-Semitism. In the end, the speech contained one and only one relevant paragraph—a set of formulations drafted, redrafted and negotiated in exquisite and painful detail. Although kept secret at the time, it is of fundamental importance that the paragraph’s wording had been negotiated, edited and approved by the government of Israel and the World Jewish Congress before it was read out by Adenauer on the floor of the German Parliament. Here is the text of that crucial paragraph:

The government of the Federal Republic and with it the great majority of the German people are aware of the immeasurable suffering that was brought upon the Jews in Germany and the occupied territories during the time of National Socialism. The overwhelming majority of the German people abominated the crimes committed against the Jews and did not participate in them. During the National Socialist time, there were many among the German people who showed their readiness to help their Jewish fellow citizens at their own peril—for religious reasons,
from distress of conscience, out of shame at the disgrace of the German name. But unspeakable crimes have been committed in the name of the German people, calling for moral and material indemnity, both with regard to the individual harm done to the Jews and with regard to the Jewish property for which no legitimate individual claimants still exist.28

Although there was considerable opposition to the speech from right of center parties, Adenauer’s delivery was followed by three minutes of silence with all members of the Bundestag standing.

In relation to what we now know and was widely believed then about the Holocaust and the involvement, support or acquiescence of the majority of Germans in the war against the Jews, this statement would seem to offer very little in the way of acknowledged truth. As noted by Jeffrey Herf in his careful analysis, the paragraph sticks firmly to the passive voice. It begins by exculpating the majority of Germans. Indeed, two of its four sentences describe the opposition of the “overwhelming majority” of Germans to the Nazis’ extermination policies and the efforts of “many” to protect Jews. Nor does the statement provide an enumeration of German crimes or include any specific indication of who the perpetrators were.29 Contrary to the repeated demands of the Israeli negotiators, the statement did not include words that pointed clearly toward an admission of guilt or responsibility. Nor did it include the expression of sentiments of contrition or repentance. Nor did it contain an apology. The most that can be said about the paragraph is that some of these sentiments may be inferred from the description of “unspeakable crimes committed in the name of the German people, calling for moral and material indemnity.”

But the sentence containing this formulation is worthy of particularly close consideration, especially the artful phrase “in the name of the German people.” It was a deft maneuver. Israel had demanded a declaration of guilt and acceptance of responsibility for the crimes committed by the German people under the previous regime. Instead, the German Chancellor was admitting that some (unnamed) persons had committed crimes that had publicly been attached to the name of the German people but not endorsed or committed by them. Implicitly, what the phrase further suggested was that it was only out of the German people’s enormous sense of honor that they felt duty bound to pay “indemnity” for actions done, not by them, but in their name—as if a tire manufacturer, for example, might agree to compensate those who purchased faulty tires with the company’s brand name on the tires, even if the tires were not admitted to have been produced by the company. As Herf puts it, “[t]he phrase ‘in the name of the German people’ had the effect, and perhaps the intent as well, of distancing these acts from the Germans of the Nazi era.”30

In retrospect, the only thing as remarkable as the pallor of Adenauer’s carefully vetted and widely heralded public statement on the Holocaust was how little critical attention it received. For most Israelis who opposed negotiations with Germany,
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such a declaration was irrelevant no matter what its content: Germany and Germans would remain beyond the pale of acceptability, and no reparations agreement could be tolerated. For most others, the fact of the declaration, rather than its relative lack of content, was treated, usually implicitly, as a *sine qua non* for accepting the distasteful process of entering into a reparations agreement with Germany. Alternatively, it was taken as the beginning of the process that would enable the Federal Republic to be accepted by the world community, whether Israel accepted the reparations idea or not.

In fact, Menahem Begin made one of the only detailed attacks on the actual text of the Adenauer declaration on the floor of the Knesset. It was based on a report that the Israeli government had, despite its feigned ignorance, known about and granted prior approval to the Adenauer statement. Begin’s accusation is worth quoting at length:

A member of the Knesset has accused both Mr. Sharett, and yourself, Mr. Ben-Gurion, of having this statement in your possession before Mr. Adenauer revealed it to his Nazi advisors. If this is true, woe unto us! You read it; you accepted, as the basis of the negotiations with the Germans, the suggestion that the majority of the German people were revolted by these crimes and took no part in them. You accepted, as a basis of the negotiations, a statement according to which this money would be given to you for the spiritual cleansing of unending suffering. If you didn’t read it, how could Mr. Sharett consider it as a basis for negotiation? And if you did read and approve it—then let the Jewish people know upon what sort of base the bridge between Hebrew Jerusalem and the Nazi Bonn government was erected. Adenauer’s note has been read by millions of Germans, millions of Americans, millions of Frenchmen; it has penetrated the hearts of non-Jews. All the nations of the world knew that that was the basis upon which we were to receive the money, as a “payment for unending suffering.” How they will bemoan us, how will they despise us! What have you made of us?...The nations will see only one thing: you sat down at the table with the murderers of your people, you acknowledged that they are capable of signing an agreement, that they are capable of keeping an agreement, that they are a nation, a nation among the family of nations.31

The Israeli government’s immediate response to Adenauer’s Bundestag statement, issued the day before it was actually delivered, began, “First, the government adheres steadfastly to the view that the entire German people bears responsibility for the mass murder of European Jewry.”32 Without mentioning that this view, and several softer formulations of it, had been rejected by Adenauer for inclusion in his declaration and indeed without mentioning that the Government of Israel had ever been involved in negotiating, editing or approving the German Chancellor’s words,
the official statement continued with an acknowledgment "that the declaration was an attempt on the part of the Federal Government to solve the problem." Thus it was accepted as satisfying Israel's demand for a public and solemn declaration of moral responsibility. Emphasizing that no German statement, "however sincere and repentant," could erase the crimes that had been committed, the Israeli government spokesman nevertheless commented that "it seems the German Federal Government unreservedly acknowledges that it has an obligation to make moral and material reparations."

On 30 December, the Israeli Cabinet proposed direct negotiations for reparations with the German Government. Germany for failing to do so. Several days later, Foreign Minister Sharett emphasized the same idea, stating that nothing Germany could do could fully atone for the sufferings of the victims of the Holocaust. Yet, he added, "The Government of Israel regards it, nevertheless, as significant that the Government and Parliament of Western Germany...have issued an appeal to the German people to divest themselves of the accursed heritage of anti-Semitism and racial discrimination and declared their readiness to enter into negotiations with representatives of the Jewish people and the State of Israel." On 30 December 1951, the Israeli Cabinet decided to present the Knesset with its proposal to conduct direct negotiations for reparations with the German Government.

The government's response to the Adenauer speech, which formally repeated its views about full collective responsibility and guilt on the part of the German people while accepting as operative a declaration that fell far short of that, enabled the process of negotiations to begin. The entire episode was a carefully choreographed performance of minimal substance and maximum form. As part of this performance, journalists, Jews supportive of negotiations with Germany over reparations, American officials, and indeed, much subsequent scholarship hailed Adenauer's speech in terms considerably more dramatic than was warranted by the text itself.

For example, in October 1952, Noah Barou published a short article entitled "The Origin of the German Agreement." To my knowledge this has been the only substantial first-hand account published about the negotiations over the Adenauer declaration. Strikingly, Barou's point was not to criticize the statement for what it lacked but to emphasize how unsatisfactory it had been when originally formulated by Adenauer! In sharp contrast to what clearly appears to have been the case, Barou described the diligence and effectiveness of Jewish negotiators and how cooperative and responsive their German counterparts had been:

The first draft of the German declaration dealing with German-Jewish relations was prepared by the Germans in July 1951 and had been studied by responsible Jewish leaders. This declaration dealt with all the prob-
lems raised by the World Jewish Congress in 1949. But it was couched in general terms; and since it was to serve as [the] basis for negotiations dealing with problems of restitution and reparation, with compensation and indemnification, it needed much adjustment and clarification. It took nearly two and a half months to achieve this, and it must be noted that in these difficult and delicate negotiations the German side showed considerable understanding and made great efforts to meet the justified Jewish demands.36

Nahum Goldmann, President of the World Jewish Congress and Co-Chairman of the Jewish Agency for Palestine, who had played an important personal role in the negotiations over Adenauer’s statement, commented on it by hailing Adenauer for “open[ing] the way to the only restitution, considering the nature of the crime, which it is still in human power to make. As such, the statement must be noted with satisfaction.”37 Looking back, Ben-Gurion later characterized “Adenauer’s Germany” as having “recognized the moral responsibility of the entire German people for the crimes of the Nazis.”38 The American Jewish Committee commented that Adenauer’s statement was “a significant first step toward Germany’s assumption of its moral and legal responsibilities.”39 Leo Baeck, the famous German-Jewish philosopher, praised Adenauer immediately following the speech as having “created the basis for frank and sincere discussions between Jews and Germans.”40

The tendency to ignore the concessions made by Jewish negotiators and the unsatisfying substance of Adenauer’s statement is just as apparent in much of the journalistic and scholarly analysis produced by Jewish and other supporters of the German-Israeli reparations agreement. Indeed, most press reaction in Britain and the United States was “extremely favorable.”41 The New York Times welcomed the speech as proof of “moral regeneration” and “the assumption of moral responsibility on the part of the Germans...realization that the Germans as a group incurred a dreadful burden of guilt...”42 The Washington Post described the speech as “the best thing that [has come] from Germany since before 1933.”43

Subsequent scholarly work published by authors with close ties to leading Israeli, Zionist or American Jewish institutions adhered to the same general line. In her study of the German-Israeli negotiations, Nana Sagi acknowledges the role that the Israeli government played in drafting the famous paragraph but then characterizes its response to Adenauer’s speech as “cautious but not hostile,” as if the government’s pose of having received a spontaneous expression of a German desire for atonement was genuine. Sagi calls the speech an “historic declaration...intended to help lay the foundation for a new Jewish attitude.” Despite Adenauer’s avoidance of the terms “guilt” or “responsibility,” Sagi describes his speech as having met “the first...condition presented to him by the State of Israel and the Jewish organizations: acceptance by the Federal Republic of responsibility for the crimes of the Third Reich.”44 Kurt Grossman, in a study sponsored by American Jewish organizations,
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noted the Israeli government’s lukewarm response, while ignoring its role in editing and vetting the statement. Grossman’s characterization of the speech in very positive terms was clearly meant to justify what he also characterized as the readiness of the majority of Israeli and non-Israeli Jews to strike a reparations deal with Germany, despite opposition in the form of “extremist opinion.” In his volume on German reparations and the Jews, Ronald Zweig also avoided raising questions about the specific wording of Adenauer’s statement, even while quoting it. Zweig described the German government as having “agreed to a public statement of responsibility to which the Jewish organizations and Israel could respond positively” and praised, not inaccurately, Adenauer’s tact for helping to “overcome the opposition of those in the Jewish world who rejected the very concept of dealing with the Germans.”

These works all reflected a general desire, if not to whitewash the German declaration, certainly to avoid critical analysis. The idea was to redirect attention to the reparations negotiations themselves. They thereby treated the Israeli-German or Jewish-German relationship as somehow having been qualitatively changed by the mostly unexamined paragraph. Nor did American politicians and officials anxious to find rationales for integrating the Federal Republic fully into the Western alliance have an interest in subjecting Adenauer’s statement to critical evaluation. Indeed, American officials had a very specific interest in encouraging Israelis and Jews to deal directly with Germany, and then move forward based on whatever statement they could get from Adenauer toward a reparations deal. John J. McCloy, the American High Commissioner for Germany, telegraphed Adenauer that he was “greatly moved” by the speech, and it is probably not a coincidence that the final phase of negotiations over the end of the American occupation of Germany began just days after Adenauer’s speech.

The United States, Israel and the Rehabilitation of West Germany

McCloy was in overall command of the process of transforming West Germany from a defeated Nazi power to a full-fledged member of NATO, the Western European economic community and the civilized world. He had been an architect of the Nuremberg trials. After they ended in October 1946, U.S. tribunals indicted 185 high-ranking Nazis, convicting approximately one hundred. Sentences gradually became lighter and by 1949, when Military Governor General Lucius Clay was replaced by McCloy as High Commissioner, the atmosphere in both the United States and in Germany had become much less supportive of rigorous treatment of Nazi war criminals. When he assumed his post McCloy found he had inherited fifteen cases of Nazis sentenced to death but whose punishments had not been carried out. Following Adenauer’s assumption of office as the first Chancellor of the Federal Republic, McCloy and the American administration as a whole came under intense
pressure from inside Germany to extend clemency to imprisoned Nazis, prevent further executions and bring an end to tribunals altogether.

McCloy responded to these pressures in 1950 by setting up an appeals process based on individual interviews and a set of rules for clemency, including five days off per month for good behavior calculated retroactively, no matter what the gravity of the offender’s crimes. These measures, including a generous posture by the interviewers and the redefinition of many offenses as “white collar” crimes, set the stage for the board of appeals to recommend that the sentences of seventy-seven of ninety-three defendants be reduced and almost half the outstanding death sentences be commuted. McCloy pondered the fate of these prisoners from August 1950 to January 1951, during which German demands for clemency intensified, including death threats against the High Commissioner and his family. On 31 January 1951, McCloy announced his decision. “He extended commutations, paroles, and reductions of sentences to seventy-nine of the eighty-nine war criminals still imprisoned...who came under his jurisdiction. He affirmed only five death sentences.”48 Germans responded, not with relief and gratitude, but with a five month campaign to spare the lives of those still condemned to death, a campaign that continued until June, when the executions took place.

In his masterful study of McCloy and the new Germany, Thomas Alan Schwartz concludes that McCloy’s decisions made a crucial contribution “to the German Schlusstrich mentality about the war,” drawing a line between past and present and indeed, “to the refusal of Germans to face the past.”49 According to Schwartz, it also “undoubtedly led [McCloy] to press the Germans even harder for a generous policy of Widergutmachung, or restitution, toward the Jews and the state of Israel.”50 But McCloy and the U.S. government also came under fire for exhibiting excessive leniency toward former Nazi officials and leading German industrialists. This was the context, during a period when Israel was requesting that the allies approach Germany directly for restitution to Jewish victims of the Holocaust, that the decision was made to force Israel and the Jews to deal directly with Adenauer’s Germany. The reason was clear. If Jews were ready to negotiate with the new Germany in the wake of McCloy’s acts of clemency and the virtual ending of the denazification policy, what justification could others have for criticizing the United States for being soft on German war criminals? It is thus reasonable to say that the Israeli decision to enter direct talks with Germany played a crucial role in the rehabilitation of a not-wholly denazified Germany. Indeed this was the view of Hendrik van Dam, General Secretary of the Central Council of Jews in Germany, who advocated negotiations with Germany quickly, while it was still a high American priority. “The U.S. has...an interest in seeing that restitution is implemented...[as] a certain alibi for American policy to abandon Denazification and to continue with collaboration...Restitution, especially reparations for Israel, could conceivably constitute such a counterweight.”51
EMOTIONAL TRUTH AND POLITICAL REALITIES FOR GERMANS AND JEWS, ISRAELIS AND PALESTINIANS

The idea that Jews were accepting a bribe to help Nazis escape punishment and cleanse the German people of their sins was the fundamental basis for the eruption in Israel of vitriolic opposition to the reparations negotiations. Yosef Sprinzak, Speaker of the Knesset, denounced the negotiations as “morally absurd.” Maariv and Yediot Acharonot newspapers, along with the communist Kol Ha'am and Revisionist Herut, were fiercely opposed. In an editorial entitled “Amalek,” published a week after Adenauer’s speech, the editor of Maariv wrote that “a true peace movement will arise in the world and it will ensure peace in Europe by eradicating Germany from the face of the earth.” Mapam mobilized former partisans and ghetto fighters to oppose the negotiations. In a newspaper poll, 80 percent of twelve thousand respondents registered their opposition. Responding to fierce rhetoric by Herut leader Begin, who declared that “Adenauer is a murderer...All his assistants are murderers,” an enraged crowd launched a violent assault on the Knesset—battling with police, overturning cars and shattering store windows. Stones, broken glass, and tear gas forced an end to Knesset deliberations. Hundreds were wounded, hundreds more arrested.

To counter fierce criticism that no amount of money could represent adequate indemnification for millions of murdered Jews, Foreign Minister Sharett made much of his choice of shilumim (payments) rather than pitzuiim (compensation for injury) to describe the reparations. Government ministers denounced Begin’s march on the Knesset as a mob attack on Israeli democracy, helping to transform the raging controversy over accepting “blood money” into a contest over the rule of law in the Jewish state.

Ben-Gurion, the founding father of the state of Israel and still the charismatic leader of the new state was, in the view of many, the only Israeli leader who was capable of carrying the day against such opposition. He did so by representing Adenauer as emblematic of a new Germany, even if a great deal of evidence to the contrary had to be ignored. However, Ben-Gurion’s most important contribution to the debate, uttered in his concluding speech to the raucous parliamentary debate on the reparations negotiations, was not part of his attempt to rehabilitate Germany in the eyes of the Jewish people. Quite the opposite. It was his use of a Biblical verse that resonated with the angry and vengeful spirit that predominated in Israel: “Let not the murderers of our people be also their inheritors.”

To achieve a positive vote in the Knesset, Mapai insisted on party discipline. At the same time, it freed most of its parliamentarians from having to vote explicitly for reparations by contriving a resolution that did not endorse the reparations negotiations but left it up to the Knesset Foreign Affairs and Security Committee to do so. Following positive action by this Knesset committee, formal negotiations were
undertaken. These resulted in an agreement—the Luxembourg Treaty—signed on 10 September 1952 by the representatives of Israel, the Federal Republic of Germany and the World Jewish Congress. It has been meticulously implemented, resulting in payments of as much as $50 billion in cash and in-kind to Israel and to individual survivors and their families.

Fundamental differences make it difficult to compare efforts of Germans and Jews, on the one hand, and Israelis and Palestinians, on the other, to achieve reconciliation based in part on truth, apology and/or political or economic compensation. Certainly the greater scale of horror in the German-Jewish case might easily lead to the conclusion that Jewish/Israeli-German reconciliation would be much harder to achieve than Israeli-Palestinian.

However, other factors work in the opposite direction. Compensation paid to Israel and to individual victims of Nazism had a largely positive, invigorating effect on the German economy and greatly improved its political and diplomatic posture. While peace with the Palestinians would most certainly improve Israel's economic prospects and its international standing, satisfying Palestinian political demands and demands for the return of refugees will pose threats to Israeli/Jewish demographic, political and security interests that the German agreement with Israel did not pose for Germany.

The Nazi regime was destroyed in a war of its own making. Its successor acknowledges that regime was German, but traces no political, moral, or ideological ancestry to it. Governments in Israel arise as products of a regime that proudly represents itself as responsible for the Israeli victory in 1948 and therefore for the Palestinians' al-Nakba. Most Germans drew back from denying or defending the Nazi war against the Jews, and debates over "revisionist" interpretations of the Holocaust are marginal affairs compared to the widespread conception that eventually formed among Germans and others of the Holocaust as an icon for the greatest crime that could be committed by one people against another. In Israel, "revisionist" histories have greatly increased Israeli appreciation of the suffering of Palestinians in 1948 and the injustice of acts of expulsion and of enforced exile that produced and have maintained that suffering. Still, for Palestinians, these findings have not achieved the emotionally reassuring status of official truth in Israel, although they are much more widely accepted outside of Israel.

In these and other ways it is apparent how different the counterpart Palestinians find in contemporary Israeli governments is from the Germans with whom Israeli Jews negotiated in the early 1950s. And yet the degree of these differences may be substantially exaggerated in our minds due to the tendency to forget how differently Germans of the early 1950s, including Adenauer and the officials of his govern-
ment, saw Germans, Jews and the Holocaust, from the way that most Germans came, much later, to view German-Jewish relations and the crimes of the Nazi period. It is important to remember that the Jews of the early 1950s who participated in these negotiations were dealing with Germans in the first decade after the war, when the experience of the Third Reich and the cataclysmic consequences of its collapse were fresh in their minds. It was with their beliefs, preferences, sensitivities, prejudices and espoused values that those Jews had to contend, not with the "politically correct" attitudes of subsequent generations of Germans, German officials and German diplomats.

Indeed, only by understanding the state of mind of Germans in the period of the reparations agreement can one appreciate the powerful constraints under which the Adenauer government operated in its efforts to find any workable agreement with Jews and with Israel. Moreover, it is only by appreciating the pervasive and sometimes obsessive German sentiments of victimization, self-regard and, yes, anti-Semitism that one can appreciate the challenge faced by Jewish negotiators seeking to justify any contact at all with Bonn, let alone talks to arrange an agreement that would help rehabilitate Germany as an accepted member of the civilized world, the North Atlantic Treaty Organization alliance and the new, emerging community of Western Europe. In this context, an Israeli delegation representing a mildly apologetic, but still Zionist, government in Israel may not pose quite as different a challenge to Palestinian negotiators than that posed by Adenauer's government in its negotiations with the government of Ben-Gurion and Sharett.

If the state of mind of Germans at the time of the reparations agreement with Israel is appreciated, impressions that most Israelis would be resistant to expressing sympathy or solicitude for the suffering of Palestinians or to recognizing the extent of their own country's responsibility for that suffering may seem less decisive in judgments about agreements that may be possible between Israel and the Palestinians. There was intense opposition inside Germany, especially on the Right, but even within Adenauer's Christian Democratic Party, to an agreement involving admission of guilt or generous restitution to Jews. Indeed, German public opinion appears to have been opposed to paying much of anything to the Jews, and Adenauer's negotiations with Germans appear to have been as difficult as his negotiations with the Jews. By 1949, the Allies had executed more than 400 Nazi war criminals, including those executed by the Soviets, but, as noted above, German demands for the commutation of remaining capital punishments, parole of scores of high-ranking Nazis still imprisoned and an end to the threat of prosecution against tens of thousands of former Nazi officials were building in intensity. German public
opinion was obsessed by the disappearance of hundreds of thousands of German prisoners of war and the plight of millions of German refugees and expellees from Eastern Europe. In November 1950, trying hard to reflect dominant feelings in Germany that Germans were as much the victims of Nazism as were the Jews, Adenauer continued to press demands for clemency, an end to the tribunals and an end to denazification on the American authorities as one of the highest, if not the highest, priority of his newly formed government.

It is true that, according to American public opinion surveys, 68 percent of Germans in 1951 supported “restitution for the Jews” and only 21 percent were opposed. On the other hand, these figures were registered after McCloy commuted or reduced the sentences of the great majority of convicted war criminals. These figures should also be compared to the 90 percent of West German respondents who favored assistance to “refugees and expellees.”59 It should also be noted that, according to U.S. government surveys, 44 percent of the West German public thought “that some races are more fit to rule than others.”60 Surveys in West Germany conducted in 1952 showed “a deep cynicism toward the Nuremberg judgments, as well as majority support for the proposition that “we should cease trying people now for crimes they committed many years ago.”61 In the Cabinet, discussion over the final draft of the reparations treaty one minister objected that benefits were being given only to Jews, asking, “What should be done about the other ‘non-Aryans’.”62 The final vote in the German Parliament on the reparations treaty was 236 in favor, thirty-five opposed, and eighty-six abstentions.

**Israelis, Palestinians, and Al-Nakba:**

Finding Just Enough Truth

There is much to be learned from this episode for gaining a perspective on what is achievable, useful and likely in the Israeli-Palestinian case. It bears repeating, however, that such learning can in no way be interpreted as suggesting that the Holocaust and al-Nakba were intrinsically similar events. The Holocaust was the result of a systematic, premeditated plan for genocide. The creation of the Palestinian refugee problem was attendant upon the expulsion of Palestinians from their homes and refusal to allow them to return. It was a tragic and unjust and opportunistically accelerated unfolding of the logic of circumstances, not a genocidal campaign.

Nothing can erase the overwhelming difference in the character and extent of the crimes committed in the two cases under review. It must be emphasized, however, that this is why the comparison may be so valuable. If we can learn from such comparison it must be precisely because of, not in spite of, this enormous difference. In effect, the reparations agreement, or at least the formulation used by Adenauer and agreed to by Israel as the symbolic statement that would make that agreement possible, serves as a limiting case. Given that it is virtually impossible to imagine a
more horrible crime committed by one nation against another than that which Nazi Germany committed against the Jews, we may therefore infer that: (1) if at least a workable form of reconciliation has been possible between Israel and Germany, it cannot be said to be impossible with regard to Israel and Palestine; and (2) if official and symbolic acts as restrained, self-serving and historically pallid as the formula read out by Adenauer could be adequate to the political task, it may not be necessary for a future Israeli government to explicitly and fully acknowledge the detailed injustice meted out to the Palestinians in order for its "ceremonial act" to play a crucial political and psychological role.

In July 2000, prior to his departure for the Camp David summit, Israeli Prime Minister Ehud Barak stipulated to his Cabinet the four "red lines" he would not cross during negotiations with the Palestinians. One of the four was: "No Israeli recognition of legal or moral responsibility for creating the refugee problem." This formulation is interesting in several respects. First, it implies that there is an outstanding demand for an Israeli declaration on the events of 1948 from the Palestinian side that stands apart from their material or political requirements. Second, it does not explicitly rule out some kind of response to this demand, short of formally accepting "legal or moral responsibility." Third, it opens the door for formulas about what occurred in 1948 that would include shared Israeli responsibility, Israeli sorrow and compassion for the plight of Palestinian refugees; acknowledgment of mistakes made and false propaganda employed that increased the number of refugees and aggravated their emotional and psychological difficulties; and readiness on the part of Israel to contribute materially and politically to a comprehensive solution to the refugee question in all its parts. Such exquisite parsing of Barak's statement, to accentuate the opening it gave to negotiations despite the sparse and negative form it took, can be justified by considering the speech Barak gave before the Knesset on 4 October 1999, expressing "regret for the suffering caused for the Palestinian people." It is also instructive to consider how another of the four red lines, i.e., "a united Jerusalem under Israeli sovereignty" could just weeks later be interpreted as consistent with Israeli proposals that envisioned an end to Israeli sovereignty claims over most of al-Quds (Jerusalem).

Of interest as well is that when the Barak government actually moved toward the limit of its negotiating position in the late fall and early winter of 2000, the prime minister shifted the location of his "red line" with regard to the refugee question. In an address to Jewish groups in Chicago prior to the Taba negotiations, he listed five elements that any agreement would have to include. Number four was "no right of return for Palestinian refugees into Israel proper." Significant by its omission was any mention of Israel's unwillingness to offer a statement about the suffering of
Palestinians or the contribution of Israel toward that suffering. 6

On the Palestinian side traditional demands for the complete return of all refugees were advanced in response to initial bargaining positions by Barak regarding Israeli sovereignty over the Temple Mount and mere “administrative autonomy” arrangements for Palestinians in Arab neighborhoods of expanded East Jerusalem. But at Taba these strong demands were effectively, if not formally, withdrawn as Israeli positions loosened. This change in Israel’s position reflected the Palestinian focus on the importance of Israel’s formal acknowledgement of Palestinian suffering as a consequence of Israel’s creation, on the crucial need for unlimited immigration into the Palestinian state and on a symbolic opportunity for return of some 1948 refugees to territory inside pre-1967 Israel.67

In the joint statement released by the Palestinian and Israeli delegations at the conclusion of the Taba negotiations, the refugee issue was included as one of the four crucial questions that had been addressed and with respect to which gaps still remained. Nevertheless, these gaps were said to have narrowed sufficiently to warrant the belief that “in a short period of time and given an intensive effort and the acknowledgment of the essential and urgent nature of reaching an agreement, it will be possible to bridge the differences remaining and attain a permanent settlement of peace.”68

Despite the reports of various participants, no official record of what was or was not agreed upon at Taba has been released. However, in the summer of 2001, Le Monde published what appears to be a rather accurate record of the final positions of the two sides.69 In many respects they correspond to the “Clinton Parameters,” a set of thirteen guidelines or target formulations that President Bill Clinton believed could actually be accepted by both Israel and the Palestinians and lead to a lasting compromise.

Interestingly, although Clinton emphasized the need to compensate and resettle refugees and guarantee full rights to immigrate into the Palestinian state, he did not refer explicitly to any statement of responsibility, regret or blame Israel might make. The president did argue that “the end of the conflict must manifest itself with concrete acts that demonstrate a new attitude and a new approach by Palestinians and Israelis toward each other.” He also emphasized the need to “find a truth we can share.”70 In his account of the Clinton parameters, former Israeli Justice Minister Yossi Beilin described the president’s approach as including Israeli acknowledgment of the “suffering of the Palestinian refugees” without accepting “sole responsibility” for it.71 According to Beilin, at Taba, a great deal of progress was made on various aspects of the refugee question and, in particular, on the question of how Israel was to express its sentiments with respect to the truth that Israelis and Palestinians would
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At Taba, agreements were reached concerning the nature of personal compensation, compensation for assets, options of rehabilitation and absorption in third countries, and compensation for the host countries. Above all, we were very close to an agreement concerning the story of the creation of the refugee problem, which described the Israeli approach and the Palestinian approach to the issue, and their common denominator. Specific sums of money were not agreed on, nor was the actual number of refugees which would be permitted to come to Israel. However, the distance under dispute between the parties was narrowed substantially, and the Palestinian side agreed that the number of refugees must be such that it would not damage Israel's character as a Jewish country.2

The passages published in Le Monde relevant to the question of Israel's official position on the peace agreement are consistent with this formula of two juxtaposed and partially overlapping narratives. Both positions use very similar language to recognize the centrality and moral weight of the Palestinian refugee question. The Palestinian proposal has both sides acknowledging that "a just resolution of the refugee problem is necessary for achieving a just, comprehensive and lasting peace." The Israeli proposal labeled the refugee question as "central to Israeli-Palestinian relations" and described "its comprehensive and just resolution [as] essential to creating a lasting and morally scrupulous peace." But clear differences remained.

The Palestinian position was articulated in Article XX of the "Palestinian Proposal on Palestinian Refugees." The section, Moral Responsibility, starts with the second tenet of the proposal:

(2) Israel recognizes its moral and legal responsibility for the forced displacement and dispossession of the Palestinian civilian population during the 1948 war and for preventing the refugees from returning to their homes in accordance with United Nations General Assembly Resolution 194.

(3) Israel shall bear responsibility for the resolution of the refugee problem.3

The Israeli delegation preferred to put forward their ideas on this subject under the heading of "narrative," emphasizing Israeli recognition of the suffering and tragedy of the Palestinian refugees, their right to compensation, dignity, and resettlement options but acknowledging Israeli responsibility for their fate only as part of a wider array of forces and actors. Thus, in reaction to the "Palestinian Proposal on Palestinian Refugees," Israel drafted the following response:

(2) The State of Israel solemnly expresses its sorrow for the tragedy of the Palestinian refugees, their suffering and losses, and will be an active partner in ending this terrible chapter that was opened 53 years ago, contributing its part to the attainment of a comprehensive and fair solution to the Palestinian refugee problem.
(3) For all those parties directly or indirectly responsible for the creation of the status of Palestinian refugees, as well as those for whom a just and stable peace in the region is an imperative, it is incumbent to take upon themselves responsibility to assist in resolving the Palestinian refugee problem of 1948.

(4) Despite accepting the UNGAR 181 of November 1947, the emergent State of Israel became embroiled in the war and bloodshed of 1948-49, that led to victims and suffering on both sides, including the displacement and dispossession of the Palestinian civilian population who became refugees. These refugees spent decades without dignity, citizenship and property ever since.\(^\text{74}\)

Clearly, progress was made. In the Multilateral Working Group on Refugees talks in Ottawa in May 1992, the head of the Palestinian delegation made a rather moderate demand on Israelis for “moral recognition of the immense injustice inflicted upon our people 44 years ago.”\(^\text{75}\) One member of that delegation, Rashid Khalidi, published a more detailed statement of his view, at that time, of the specific kind of Israeli response that would be required to move to a full and final resolution of the refugee question. Khalidi emphasized as “essential” that “the existential hurt that was done to the majority of the Palestinian people be acknowledged by those who caused that hurt, or their successors in power.” He argued that this was all the more important precisely because “there can probably be no fundamental redress of that grievance.”\(^\text{76}\) Khalidi went on to stress the re-education and socialization programs that would be needed in Israel, along with symbolic actions and an acceptance in principle of the Palestinian “right to return.” Only then would truly generous reparations along with immigration opportunities into the West Bank/Gaza state, he argued, be acceptable as the basis for a final settlement.\(^\text{77}\)

At Taba, however, the Palestinian side demanded less than Khalidi’s formulation contained—just an Israeli acknowledgement of its “moral and legal responsibility” for the fate of the Palestinian refugees and its “responsibility for the resolution of the refugee problem.” Significantly the Palestinian formulation, as reported in Le Monde does not include a demand that Israel accept the Palestinian “right of return.” Nor does it insist on an Israeli formulation that explicitly places “sole” or even “central” or “primary” responsibility for the fate of the Palestinians or for the solution of the refugee problem on Israeli shoulders. This is particularly noteworthy in light of Beilin’s choice of words—refusing an Israeli acceptance of sole responsibility, but not ruling out accepting partial responsibility.

Indeed, the Israeli position at Taba acknowledged, albeit indirectly and implicitly, that Israel was to some extent responsible and ready to contribute “its part” to the solution to the problem. The negotiators were willing to articulate a narrative of the events of 1948 that emphasized the direct and terrible consequences for Palestinians of the war surrounding Israel’s establishment and omitting any refer-
ence to Arab leaders' orders leading to the departure of the refugees. This formulation represents a considerable amount of change if compared, for example, to the Israeli position as stated during the negotiations of the Multilateral Working Group on Refugees in 1992. In his opening remarks to that group, the head of Israel's delegation, Shlomo Ben-Ami, refused to acknowledge any responsibility by Israel for the "exodus" of the refugees. While alternating between blaming the Arabs for the problem or characterizing it as inevitable, Ben-Ami used only awkward and passive voice phrasing to suggest the possibility of a link between Israeli triumph and Palestinian catastrophe and showed no interest in the notion of a narrative that could be shared:

The Arab exodus was initiated by the wealthy and the powerful Arab families who left the masses insecure and leaderless. The mass escape that ensued was inflamed by the horrors of war and by the hope of a speedy return to an Arab Palestine once the victorious Arab armies had completed their task....It is a travesty of historical truth to present the Palestinian refugee problem as the result of mass expulsion. There is no denying, however, that once the Jews, who for thousands of years waited with humility for their redemption, made their reencounter with history as a sovereign nation, they had to assume the inherent immorality of war. The suffering of the civilian population will always be a burden on the conscience of any nation at war....Clearly the Palestinians were a major victim of the Arab-Israeli conflict. The Palestinian refugee problem was born as the land was bisected by the sword, not by design, Jewish or Arab. It was largely the inevitable byproduct of Arab and Jewish fears and the protracted bitter fighting.78

Despite the evident change that occurred during the 1990s on this issue, there is no question that even at Taba, important gaps remained between the Israeli and Palestinian positions. The Israeli side was not willing to explicitly acknowledge legal, moral or historical responsibility for the fate of the refugees or to assume sole responsibility for the solution of the refugee problem. This refusal is consistent with longstanding fears in Israel that any such declaration would expose Israel to virtually unlimited property, rights of return and compensation claims.79 Moreover, it chose to include reference to "all those parties...responsible for" the refugee problem, thereby implying that the Arab states, and perhaps the Palestinians themselves, played a role. The Israeli proposal also included explicit reference to Israel's initial acceptance of the 1947 United Nations partition plan and to the mutuality of suffering that resulted from the failure of the Arab side to accept it.

But in this back and forth, we can see the outlines of the kind of agreement eventually reached by the German and Israeli governments in 1951. Not only did the German government, though of course not a Nazi government, not accept neither legal nor moral responsibility, but it explicitly included claims that the "overwhelming majority of the German people abominated the crimes committed against
the Jews" and that they "did not participate in them." Such "apologetics," including the recollection of "many among the German people who showed their readiness to help their Jewish fellow citizens," were swallowed by the Jewish/Israeli side, even though most historians would argue that a more truthful account would not have been so generous in its memory of German public opinion and civic virtue during the Third Reich. What Adenauer did say was that what happened to the Jews was "unspeakable," that his government and the people of Germany were aware that it was awful and that it had been done "in the name" of the German people. That it had been done in the name of the German people is what, he declared, warranted the new Germany's commitment to a measure of indemnification. No claim, however, was made of full expiation, restitution or rights to Jewish forgiveness.

Based on the negotiations over the reparations agreement, successful via a much less than fully accurate embrace by the successor regime of what had actually occurred and based on the progress Israelis and Palestinians have at times been able to make in negotiations with one another, it is not difficult to imagine a workable package of arrangements and declarations that would enable a mostly internationally funded compensation, resettlement and return arrangement to be agreed upon. The formulas utilized would allocate a portion of responsibility for the refugee problem to a portion of Israeli actions and policies in 1948, thereby justifying a significant but certainly not majority, role for the commitment of Israeli resources. Israeli acknowledgment of and expressions of regret for injustices committed either "in connection with the establishment of the State," "as a consequence of the establishment of the State" or "in the name of the State of Israel or of Zionism" would not require Israelis to deny their own truths—of a necessary struggle for elementary Jewish rights of survival and self-determination.

Two elements are likely to be key: the political imperatives of consolidating real Palestinian statehood and an expectation that no denial, by Palestinians, of the truth of what befell them would be required in order to achieve their political independence. If Palestinians are to receive a real state, with unfettered access to it for refugees living outside of Palestine, Palestinian leaders will likely act just as Ben-Gurion, Goldmann, and Sharett did and avidly search for formulas to make massive packages of aid for that state and its newly arriving citizens politically acceptable. And if Israel were ready to include within the curricula of its schools the type of information and explanation about Jewish-Arab relations in 1948 available in the Tekuma series of TV documentaries on the establishment of the state, it would be well on the road toward the kind of treatment of the Nazi era, from the victims' perspective, that has featured in German textbooks since the 1960s, a decade after

No claim was made of full expiation, restitution or rights to Jewish forgiveness.
Adenauer’s speech to the Bundestag. Gradually Israelis could be socialized away from particular narratives of national pride that require the denial of palpable Palestinian truths. Such a change in Israeli civic discourse and in the Zionist imagination will become factors of immeasurable importance in the subsequent normalization of ties between the two nations who claim the Land of Israel/Palestine and in Israel’s capacity to meet the fateful challenge of naturalizing its presence in the Middle East and in the psyches of Middle Easterners.

NOTES

1 This essay is an updated version of an essay that appeared originally by the same title in Exile and Return: Predicaments of Palestinians and Jews, ed. Ann M. Lesch and Ian S. Lustick (Philadelphia: University of Pennsylvania Press, 2005).

2 Excerpts from address to the Knesset by Prime Minister Ehud Barak on the Camp David Summit, 10 July 2000, See http://www.mfa.gov.il/mfa/go.asp?MFAH0hm0.


5 Lehavidil, meaning in Hebrew “to distinguish between,” is a traditional Jewish formula for legitimizing a comparison that might be considered somehow sacrilegious or otherwise inappropriate. The meaning of the speech act is the communication that despite what may be learned from the comparison, one understands that the two entities or phenomena being compared are intrinsically different and have different meanings.


8 Jewish extremists tried to kill Adenauer in Paris in the fall of 1951 by sending him a package bomb, but it killed a policeman instead.

9 Segev, 191.


11 Lorch, 740.


15 Ibid.; 198.

16 Ibid.; 200.

17 Pinchas Lavon, Major Knesset Debates, 738; Golda Myerson (Meir), 740-42.
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18 Statement by Foreign Minister Moshe Sharett in the Knesset, 14 March 1951, quoted by Brecher, 55.

19 Ibid., 88.

20 Segev, 201.

21 Nicholas Balabkins, West German Reparations to Israel (New Brunswick: Rutgers University Press, 1971), 88.

22 Ibid., 86, emphasis added.

23 Sagi, 69, emphasis added.

24 Brecher, 88. See also Balabkins, 90.

25 Segev, 201. The World Jewish Congress was another key player in the initiation and negotiation of the reparations agreement. Its president, Nahum Goldmann, first met with Chancellor Konrad Adenauer on 6 December 1951. In indirect contacts prior to that meeting, Goldmann had made clear his refusal to meet with the German leader until the latter had “issued a declaration that would clarify the German obligation towards the Jews.” Inge Deutschkron, Bonn and Jerusalem: The Strange Coalition (Philadelphia: Chilton Book Company, 1970), 46.

26 Segev, 203-04; Sagi, 70.

27 It is worth noting that in some respects, it is reminiscent of another famous paragraph—the Balfour Declaration—whose text was the result of tortuous negotiations between the World Zionist Organization and the British Cabinet. Leonard Stein, The Balfour Declaration (London: Vallentine-Mitchell, 1961), Appendix.

28 Segev, 202.


30 Ibid., 283.

31 Major Knesset Debates, 724-25.

32 Brecher, 93.

33 Sagi, German Reparations, 72. See also Gabriel Sheffer, Moshe Sharett: Biography of a Political Moderate (Oxford: Clarendon Press, 1996), 601.

34 New York Times, 28 September 1951, 8.


40 Weymar, 72.

41 Sagi, 71.


44 Sagi, 71.
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45 Grossman, 16.


47 Ibid., 178-180; Weymar, 72.


49 Ibid., 175 and 177-78.

50 Ibid, 177-78.

51 Stern, 351.

52 Segev, 206.

53 Ibid., 207. “Amalek” is a reference to the tribe that attacked Israelite stragglers in the desert. In this Biblical account, God commands the Israelites to “blot out the name of Amalek.” They are commanded to kill all Amalekites. Leading anti-Semites are traditionally considered by Jews to be descendants of Amalek. Here the entire German nation is being referred to in that way.

54 Ibid., 196. Semantics did appear to be particularly significant. While the Hebrew word shilumim was chosen to avoid the image that the payments were closing an account of guilt, the German word Widergutmachung, meaning to make something good again, was intended, for Germans, to convey the opposite.

55 Major Knesset Debates, 708.

56 Ibid., 221-223.

57 Moeller, 26-27.

58 Deutschkron, 53.

59 Herf, 295 and 482.

60 Stern, 353.

61 Schwartz, 175.

62 Ibid., 183.


68 From the Israeli-Palestinian joint statement, See http://www.mideastweb.org/Taba.htm.

69 In February 2002, a more complete version of the “Moratinos Document” (notes taken by the EU observer at Taba) was published and authenticated by both Israeli and Palestinian delegates, See http://www.acj.org/articles/article.php?article_id=41.

70 “Remarks by the President at Israel Policy Forum Gala,” Waldorf Astoria Hotel, (Distributed by the Office of International Information Programs, U.S. Department of State, New York, 7 January 2001).
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Ibid., emphasis added.


Ibid., 76.


For example, the Israel Supreme Court and more than one Cabinet have agreed that the Ikrit and Baram refugees should be allowed to return to at least a portion of their lands. These Israeli-Arab citizens were evacuated from their homes in 1948 with the explicit promise that they would be allowed to return. But they have still not been allowed to do so, reflecting a deep-seated and oft-expressed fear on the part of Israeli authorities that any return of any refugees to their 1948 villages based on acceptance of their right to do so will open a Pandora’s box—an endless array of cases of internal and external refugees with comparable rights based on principles of equity and due process.
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